

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

December 11, 2009

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

HAWAII

Issuance of Right-of-Entry Permit to the University of New Mexico,
Department of Anthropology, onto Lands Encumbered by General Lease
No. S-5599, at Kaihooa-Pahinahina, North Kohala, Hawaii, Tax Map Key:
3rd /5-9-003: 004 and 5-9-004: 008.

APPLICANT:

University of New Mexico, whose mailing address is: Department of Anthropology,
MSC01 1040, 1 University of New Mexico, Albuquerque, NM 87131-1086.

LEGAL REFERENCE:

Sections 171-55, Hawaii Revised Statutes, as amended.

LOCATION/ ZONE/ ENCUMBRANCE/ AREA:

Portion of Government lands situated at Kaihooa-Pahinahina, North Kohala, Hawaii,
identified by Tax Map Key: 3rd / 5-9-003: 004, and 5-9-004: 008, as shown on the
attached map labeled Exhibit A.

TAX MAP KEY	DISTRICT	ZONING		ENCUMBRANCES	AREA (Acres)
		LUC	CZO		
3 rd / 5-9-003: 004	Kaihooa-Pahinahina, N. Kohala	Agriculture	Agriculture	General Lease No. S-5599; Ponohono Ranch, Ltd.	4,691.020
3 rd / 5-9-004: 008	Kokio-Kalala 2 nd , N. Kohala	Agriculture	Agriculture	General Lease No. S-5599; Ponoholo Ranch, Ltd.	394.230

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Encumbered by General Lease No. S-5599, Ponoholo Ranch, Ltd., Lessee, for pastoral purposes. Lease to expire on February 22, 2020.

CHARACTER OF USE:

For investigation, study, and survey of prehistoric architectural and habitation sites.

TERM OF RIGHT-OF-ENTRY:

24-days, commencing on January 4, 2010 and expiring on January 28, 2010, or upon completion of the study, whichever is the sooner.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Division of Land Management's Environmental Impact Statement Exemption List", approved by the Environmental Council and dated April 28, 1986, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 5, Item No. 1 that states "Permission to enter State lands for the purpose of basic data collection, research, experimental management and resources evaluation activities such as archaeological survey, topographic survey, test borings for soil test, ground cover survey inspection of property for appraisal and development feasibility study purposes."

DCCA VERIFICATION:

Not applicable. Applicant is not required to register with the DCCA.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Obtain written concurrences from Ponoholo Ranch, and all other users of the subject State lands.
- 2) Consult and coordinate all proposed archaeological survey activities with the State Historic Preservation Division.

REMARKS:

By letter dated October 17, 2009, Dr. Michael Graves, Chairman of the Anthropology Department of the University of New Mexico, requested a right-of-entry onto State lands at Kaihooa-Pahinahina, North Kohala, Hawaii, identified as Tax Map Key: 3rd/ 5-9-03: 4 and 5-9-04: 8. Purpose of the right-of-entry is to continue an archaeological survey of monumental architecture into the makai portion of Kalala ahupua'a, which began this past summer. The survey will be non-invasive and will focus on mapping and photographing ancient architectural foundations previously identified during the summer outing. All work will be done in accordance with state regulations regarding survey, mapping, and excavation, and will produce a final report that summarizes the work done in the area.

The subject parcels are currently encumbered under General Lease No. S-5599 to Ponoholo Ranch, Ltd., for pastoral purposes. Through the years, Ponoholo Ranch has been in communication with and has granted the archeological teams permission to access the lease area to conduct the surveys.

This past summer (June-August 2009), relating to the archeological fieldwork project, the Office of Hawaiian Affairs and Division of Historic Preservation were contacted for comments and had no objections to the project. No comments are being solicited for this shorter outing as the subject area and proposed survey work is a continuance of the previous, which received no objections.

Staff is of the understanding that no entity involved intends to profit monetarily from its use, therefore, meets requirements for a waiver of rent.


RECOMMENDATION:


That the Board, subject to the Applicant fulfilling the Applicant Requirements above, authorize the issuance of a right-of-entry permit to the University of New Mexico, Department of Anthropology, covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

1. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;
2. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
3. Authorize the Chairperson, if necessary, to issue future right-of-entries to the Applicant in relation to its investigation, study, and survey of prehistoric architectural and habitation sites.

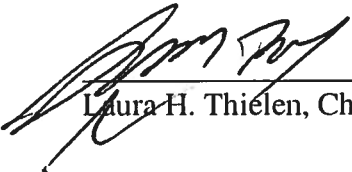
4. That Applicant shall share their inventory results and subsequent reports with the State Historic Preservation Division.


Respectfully Submitted,



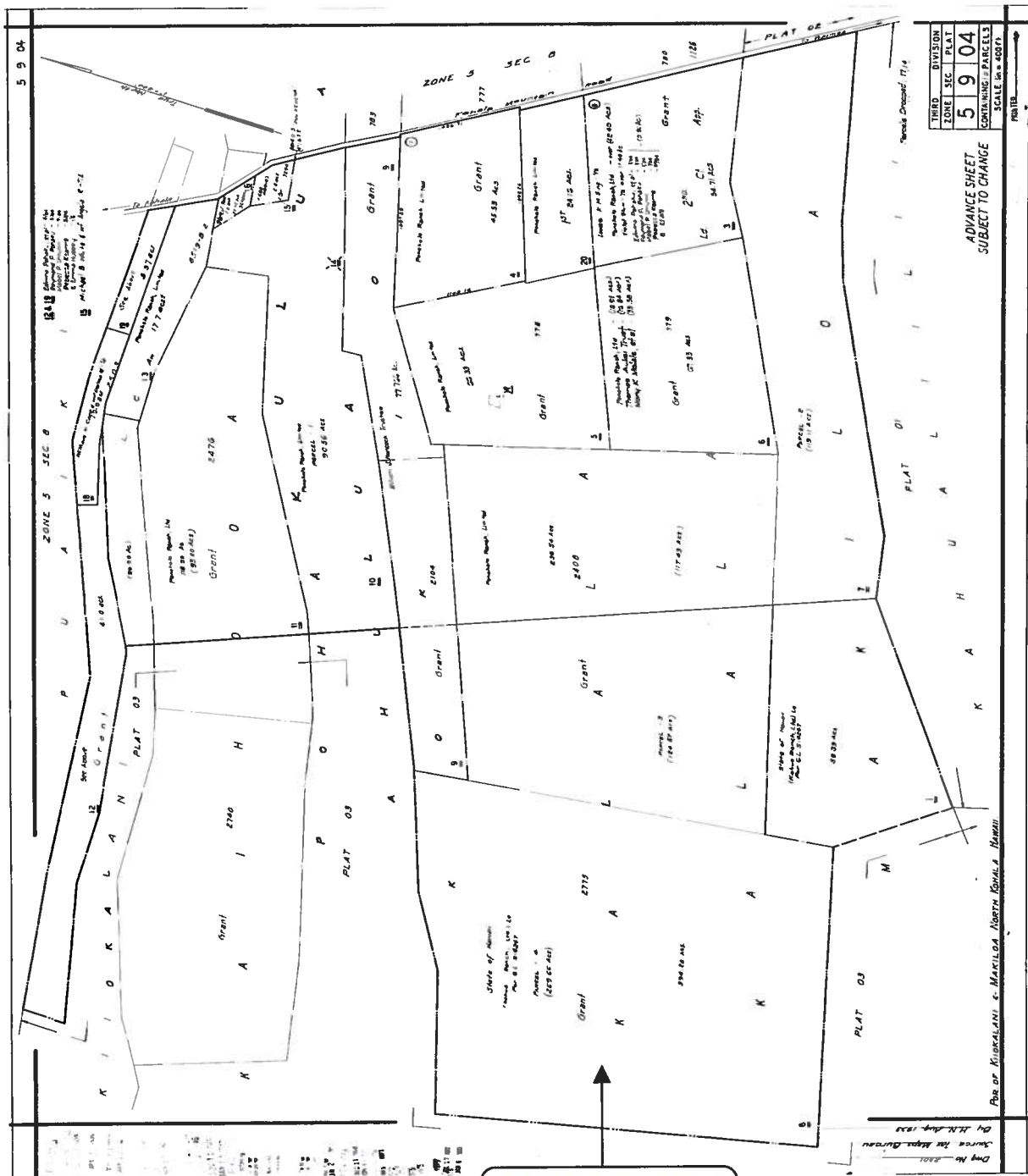
Wesley T. Matsuhaga
Land Agent 

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson 





SUBJECT

EXHIBIT A